APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/873,072	05/31/2001	Gianpaolo Callioni	HP-10011194	3975

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HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER
GRAHAM, CLEMENT B

ART UNIT	PAPER NUMBER
3692	

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07/09/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	09/873,072	CALLIONI ET AL.
	Examiner	Art Unit	
	CLEMENT B. GRAHAM	3692	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>2/25/08</u>.

2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>37-54</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>37-54</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

1.   A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on

2/25/2008 has been entered.

2.   Claims 37-54 remain pending in this application.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 37-54, are rejected under 35 U.S.C. 103(a) as being unpatentable over

Lidow U.S Patent 6, 889, 197 Cornelius et al (Hereinafter Cornelius U.S Patent 6, 629,

081).

        As per claim 37, Lidow discloses a computer implemented method that provides

of a clearinghouse for the purchase of goods within a supply chain, the supply chain

comprising a plurality of serial supply chain participants beginning with a most-upstream

node supply chain participant and ending with an end user, and including one or more

individual supply chain participants between the most upstream node supply chain

participant and the end user, the method comprising: providing one or more computers

to:

pay the most-upstream node supply chain participant a material cost of the goods

provided by the most-upstream node supply chain participant; and

pay each individual supply chain participant a payment covering one or more of value-

added costs or logistic services added by each such individual supply chain participant

(Note abstract and fig 2, 6-7, and see column 3 lines 60-64 and column 1 lines 18-32 and column see column 25 lines 33-67 and column 26 lines 1-8 and 37-35).

Lidow fail to explicitly teach, said payment excluding any payment previously made to the most-upstream node supply chain participant and to any individual supply chain participant that is more upstream than such individual supply chain participant.

However Cornelius discloses here are also a number of opportunities for cost savings. If multiple vendors are used for a product, and supply contracts that include flexibility provisions, costs can be reduced by denominating supply contracts in local currencies, and dynamically shifting vendor allocations to exploit shifting foreign exchange rates. payments costs can be reduced by optimizing the timing of payments to vendors, considering factors such as the vendor's payments terms, the firm's global cash position, and expected foreign exchange movements. (see column 58 lines 20-67 and column 62 lines 5-67).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Lidow to include said payment excluding any payment previously made to the most-upstream node supply chain participant and to any individual supply chain participant that is more upstream than such individual supply chain participant taught by Cornelius in order to provide payment more upstream supply chain with a low value.

As per claim 38, Lidow discloses further comprising:
the clearinghouse retains ownership of the goods as they move through the supply chain; and
the one or more computers further:
transfer ownership of the goods from the clearinghouse to the end user; and
invoice invoicing the end user for the material cost of the goods and the value-added costs and logistic services upon transferring ownership of the goods from the clearinghouse to the end user. (Note abstract and fig 2, 6-7, and see column 3 lines 60-64 and column 1 lines 18-32 and column see column 25 lines 33-67 and column 26 lines 1-8 and 37-35).

As per claim 39, Lidow discloses each supply chain participant transfers ownership of the goods as the goods move through the supply chain from the most-upstream node supply chain participant to the end user; and
the payment to paying of each individual supply chain participant[[s]] occurs upon transfer of ownership to the individual supply chain participant. (Note abstract and fig 2, 6-7, and see column 3 lines 60-64 and column 1 lines 18-32 and column see column 25 lines 33-67 and column 26 lines 1-8 and 37-35).

As per claim 40, Lidow discloses the payment to each wherein the paying of individual supply chain participant[[s]] is via payment to a restricted account that allow only use of the payment[[s]] for one or more of material purchases or logistics services incurred by such the individual supply chain participant. (Note abstract and fig 2, 6-7, and see column 3 lines 60-64 and column 1 lines 18-32 and column see column 25 lines 33-67 and column 26 lines 1-8 and 37-35).

As per claim 41, Lidow discloses the one or more computers further to comprising pass orders for the goods from the end user to each supply chain participant via the clearinghouse. (Note abstract and fig 2, 6-7, and see column 3 lines 60-64 and column 1 lines 18-32 and column see column 25 lines 33-67 and column 26 lines 1-8 and 37-35).

As per claim 42, Lidow discloses further comprising orders for the goods that are passed along the supply chain from one supply chain participant to another, beginning with the end user and terminating with the most upstream node supply chain participant.

As per claim 43, Lidow discloses a computer-usable medium having computer-readable program code embodied therein to cause a computer system to perform the steps of:
provide a financial clearinghouse for the purchase of goods within a supply chain, the

supply chain identified by a plurality of serial supply chain participants beginning with a most-upstream node supply chain participant and ending with an end user, and including one or more individual supply chain participants between the most-upstream node supply chain participant and the end user:

pay the most-upstream node supply chain participant a material cost of the goods provided by the most-upstream node supply chain participant; and

pay each individual supply chain participant a payment covering one or more of value-added costs or logistic services added by such individual supply chain participant(Note abstract and fig 2, 6-7, and see column 3 lines 60-64 and column 1 lines 18-32 and column see column 25 lines 33-67 and column 26 lines 1-8 and 37-35).

Lidow fail to explicitly teach, said payment excluding any payment previously made to the most-upstream node supply chain participant and to any individual supply chain participant that is more upstream than such individual supply chain participant.

However Cornelius discloses here are also a number of opportunities for cost savings. If multiple vendors are used for a product, and supply contracts that include flexibility provisions, costs can be reduced by denominating supply contracts in local currencies, and dynamically shifting vendor allocations to exploit shifting foreign exchange rates. payments costs can be reduced by optimizing the timing of payments to vendors, considering factors such as the vendor's payments terms, the firm's global cash position, and expected foreign exchange movements. (see column 58 lines 20-67 and column 62 lines 5-67).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Lidow to include said payment excluding any payment previously made to the most-upstream node supply chain participant and to any individual supply chain participant that is more upstream than such individual supply chain participant taught by Cornelius in order to provide payment more upstream supply chain with a low value.

As per claim 44, Lidow discloses the computer-readable program code is further to:

cause the clearinghouse to retain ownership of the goods as they move through the
supply chain;

transfer ownership of the goods from the clearinghouse to the end user; and invoice the
end user for the material cost of the goods and the value-added costs and logistic
services upon the transfer of ownership of the goods from the clearinghouse to the end
user. (Note abstract and fig 2, 6-7, and see column 3 lines 60-64 and column 1 lines
18-32 and column see column 25 lines 33-67 and column 26 lines 1-8 and 37-35).

As per claim 45, Lidow discloses wherein:

each supply chain participant transfers ownership of the goods to the next supply chain
participant as the goods move through the supply chain from the most- upstream node
supply chain participant to the end user; and

the computer-readable program code pays each individual supply chain participant[[s]]
upon transfer of ownership to the individual supply chain participant. (Note abstract and
fig 2, 6-7, and see column 3 lines 60-64 and column 1 lines 18-32 and column see
column 25 lines 33-67 and column 26 lines 1-8 and 37-35).

As per claim 46, Lidow discloses to make the payment to each the-individual
supply chain participant via a restricted account that allow only use of the payment for
one or more of material purchases or logistics services incurred by such the--individual
supply chain participant. (Note abstract and fig 2, 6-7, and see column 3 lines 60-64
and column 1 lines 18-32 and column see column 25 lines 33-67 and column 26 lines
1-8 and 37-35).

As per claim 47, Lidow discloses to pass orders for the goods from the end user to
each supply chain participant via the clearinghouse. (Note abstract and fig 2, 6-7, and
see column 3 lines 60-64 and column 1 lines 18-32 and column see column 25 lines
33-67 and column 26 lines 1-8 and 37-35).

As per claim 48, Lidow discloses to allow orders for the goods to be passed along

the supply chain from one from one supply chain participant to another, beginning with
the end user and terminating with the most- upstream node supply chain participant.
(Note abstract and fig 2, 6-7, and see column 3 lines 60-64 and column 1 lines 18-32
and column see column 25 lines 33-67 and column 26 lines 1-8 and 37-35).

As per claim 49, Lidow discloses a networked computer system to coordinate the
purchase of goods within a supply chain, the supply chain identified by a plurality of
serial supply chain participants beginning with a most-upstream node supply chain
participant and ending with an end user, and including one or more individual supply
chain participants between the most-upstream node supply chain participant and the
end user, the system comprising:
a financial clearinghouse computer:
a plurality of serial supply chain computers, each such serial supply chain computer
being associated with one of each such supply chain participants;
the financial clearinghouse computer pays, via the serial supply chain computers:
the most-upstream node supply chain participant a material cost of the goods provided
by the most-upstream node supply chain participant; and
each individual supply chain participant a payment converting one or more of value-
added costs or logistic services added by such individual supply chain participant(Note
abstract and fig 2, 6-7, and see column 3 lines 60-64 and column 1 lines 18-32 and
column see column 25 lines 33-67 and column 26 lines 1-8 and 37-35).

Lidow fail to explicitly teach, said payment excluding any payment previously
made to the most-upstream node supply chain participant and to any individual supply
chain participant that is more upstream than such individual supply chain participant.

However Cornelius discloses here are also a number of opportunities for cost
savings. If multiple vendors are used for a product, and supply contracts that include
flexibility provisions, costs can be reduced by denominating supply contracts in local
currencies, and dynamically shifting vendor allocations to exploit shifting foreign
exchange rates payments costs can be reduced by optimizing the timing of payments to
vendors, considering factors such as the vendor's payments terms, the firm's global

cash position, and expected foreign exchange movements. (see column 58 lines 20-67 and column 62 lines 5-67).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Lidow to include said payment excluding any payment previously made to the most-upstream node supply chain participant and to any individual supply chain participant that is more upstream than such individual supply chain participant taught by Cornelius in order to provide payment more upstream supply chain with a low value.

As per claim 50, Lidow discloses and the financial clearinghouse computer to: cause the clearinghouse computer to retain ownership of the goods as they move through the supply chain;
transfer ownership of the goods from the clearinghouse computer to an[[d]] end user computer; and
invoice the end user for the material cost of the goods and the value-added costs and logistic services upon the transfer of ownership of the goods from the clearinghouse computer to the end user computer. (Note abstract and fig 2, 6-7, and see column 3 lines 60-64 and column 1 lines 18-32 and column see column 25 lines 33-67 and column 26 lines 1-8 and 37-35).

As per claim 51, Lidow discloses each supply chain participant computer transfers ownership of the goods to the next supply chain participant as the goods move through the supply chain from the most-upstream node supply chain participant computer to the end user computer; and
the clearinghouse computer pays each individual supply chain participant[[s]] user for one or more of value-added costs or logistic services added by such individual supply chain participant[[s]] upon transfer of ownership to the individual supply chain participant[[s]], and via the respective supply chain participant computer. (Note abstract and fig 2, 6-7, and see column 3 lines 60-64 and column 1 lines 18-32 and column see column 25 lines 33-67 and column 26 lines 1-8 and 37-35).

As per claim 52, Lidow discloses the clearinghouse computer to make the payment[[s]] to the respective individual supply chain participant computer via a restricted account that allow only use of the payment[[s]] for one or more of material purchases or logistics services incurred by such the-individual supply chain participant. (Note abstract and fig 2, 6-7, and see column 3 lines 60-64 and column 1 lines 18-32 and column see column 25 lines 33-67 and column 26 lines 1-8 and 37-35).

As per claim 53, Lidow discloses the clearinghouse computer pass orders for the goods from the end user computer to each supply chain participant computer. (Note abstract and fig 2, 6-7, and see column 3 lines 60-64 and column 1 lines 18-32 and column see column 25 lines 33-67 and column 26 lines 1-8 and 37-35).

As per claim 54, Lidow discloses the clearinghouse computer to allow orders for the goods to be passed along the supply chain from one from one supply chain participant computer to another, beginning with the end user computer and terminating with the most-upstream node supply chain participant computer. (Note abstract and fig 2, 6-7, and see column 3 lines 60-64 and column 1 lines 18-32 and column see column 25 lines 33-67 and column 26 lines 1-8 and 37-35).
(End of Claims Listing.)

Conclusion
RESPONSE TO ARGUMENTS

5.   Applicant's arguments files on 2/25/2008 have been fully considered but they are moot in view of new grounds of rejections.

6.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to CLEMENT B. GRAHAM whose telephone number is (571)272-6795. The examiner can normally be reached on 7am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Kambiz Abdi can be reached on (571) 272-6702. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CG   /Kambiz Abdi/
July 6, 2008   Supervisory Patent Examiner,
                                                      Art Unit 3692